

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 COREY NELSEN,

11 Plaintiff(s),

12 v.

13 KONAMI GAMING, INC.,

14 Defendant(s).
15

Case No. 2:17-cv-02248-APG-NJK

ORDER

(Docket Nos. 17, 18)

16 Pending before the Court is Defendant's motion for protective order and to stay discovery.
17 Docket Nos. 17, 18. That motion seeks an order allowing Defendant to delay or avoid the requirement
18 to respond to discovery pending resolution of its motions seeking arbitration. That motion is targeted
19 at, *inter alia*, relieving Defendant of the obligation to respond to the outstanding written discovery
20 already propounded. *See, e.g.*, Docket No. 17 at 2. Problematically, responses to that discovery were
21 due on December 7, 2017, *see, e.g.*, Docket No. 17-1 at ¶ 7, and the motion for protective order and to
22 stay discovery was not filed until 8:27 p.m. on December 7, 2017, *see* Docket No. 17 (notice of
23 electronic filing). Defendant has not shown that the circumstances warrant emergency consideration of
24 its motion, and does not appear to even seek that relief. *Cf. Cardoza v. Bloomin' Brands, Inc.*, 141 F.
25 Supp. 3d 1137, 1140-43 (D. Nev. 2015) (outlining requirements for seeking emergency relief).
26 Moreover, Defendant has not shown that the mere filing of a motion for protective order obviates the
27 requirement to respond to the written discovery that has been propounded. *Cf. Nationstar Mtg., LLC*
28 *v. Flamingo Trails No. 7 Landscape Maintenance Assoc.*, 316 F.R.D. 327, 336-37 (D. Nev. July 28,

1 2016) (holding that the mere filing of motion for protective order does not relieve a deponent from
2 appearing for deposition). Hence, the motion may be moot with respect to the discovery responses that
3 were due on December 7, 2017.

4 In light of these circumstances, the pending motion for protective order and to stay discovery is
5 **DENIED** without prejudice. Any renewed motion must specifically explain (1) whether emergency
6 relief is sought and, if so, how the applicable standards for such relief are met, and (2) if emergency
7 relief is not sought or is not granted, whether the motion is moot with respect to the discovery responses
8 that were due on December 7, 2017.

9 IT IS SO ORDERED.

10 DATED: December 8, 2017

11 
12 _____
13 NANCY J. KOPPE
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28